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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,153	11/28/2001	Kouichi Kamiji	NGB-105-A	2118

7590 09/12/2003

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EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,153

Applicant(s)

KAMAIJI ET AL.

Examiner

Deanna L. Draper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Acknowledgements

The Amendment filed by the Applicant on June 30, 2003 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5 and 14 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama et al. (US 5,584,508). Maruyama discloses an air bag (18 in Fig. 2) for placement in a folded state under an upper surface of an instrument panel of a vehicle and for being inflated when the vehicle is crashed (see Fig. 10), wherein the air bag has a pocket extending inwardly at a lower surface of the air bag when the air bag is inflated (37 in Fig. 12). The pocket is formed in a conical, semi-oval shape, with a circular bottom opposing a pocket opening portion, convexed from the lower surface of the air bag. The air bag also comprises an exhaust hole (40 in Fig. 14) located in the vicinity of the pocket for exhausting a gas.

With respect to claims 2 and 3, the pocket is located in a position corresponding to a top portion of a child safety seat as claimed.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama as applied to claim 5 above, and further in view of Mihm et al. (US 5,306,043). Maruyama discloses the invention as claimed above, including an exhaust hole (40 in Fig. 14) located in the vicinity of the pocket, and, with respect to claim 20, the pocket is located in a position corresponding to a top portion of a child safety seat as claimed. However, Maruyama does not disclose a strap connecting an inside of an upper surface of the airbag with the pocket bag portion. Mihm discloses an airbag (12 in Fig. 2) including a strap sewn into and connecting two inside surfaces of the airbag (94 in Fig. 2; Col. 8, line 23) to aid controlling inflation of the airbag. Therefore it would have been obvious to modify Maruyama by adding a strap connecting two inside surfaces of the airbag in order to aid in controlling inflation of the airbag, as taught by Mihm.

Regarding Claims 7 and 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the specific pocket depths and opening areas as claimed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Regarding Claims 10 – 17, it would have been an obvious matter of design choice to vary the shape of the pocket, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237.

Response to Arguments

Applicant's arguments filed June 30, 2003 regarding Claims 1 – 4 and 14 – 17 have been fully considered but they are not persuasive. Regarding Applicant's argument that Maruyama's air bag includes an 'outwardly projecting protrusion rather than an inwardly extending pocket', the term "inwardly" is a relative directional term that has not been specifically claimed in the independent claims. The examiner maintains that Maruyama discloses a pocket (37) that extends inwardly. The examiner also maintains that the pocket can "correspond" with the top portion of a safety seat, depending on the placement of the safety seat. And finally, the functional recitation of a pocket opening portion "for receiving a top of a child safety seat" it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

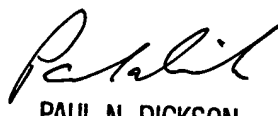
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DEANNA L. DRAPER
PATENT EXAMINER

dld
September 5, 2003


PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
9/7/03